

Amend Section 40-188 to read:

40-188 TRANSFER PROCEDURE

40-188

.1 First County

The first county shall:

.11 - .12 (Continued)

.13 Provide Documentation

Provide the second county within seven working days from the date that the first county notifies the second county of a case transfer (per Section 40-188.11), with copies of the most recent:

.131 - .135 (Continued)

~~.136 Maximum Family Grant Informing Maximum Family Grant (MFG) informing notice or other documentation verifying that MFG informing requirements have been met (see Section 44-314).~~

.1376 (Continued)

.1387 (Continued)

.1398 (Continued)

Authority cited: Sections 10553, 10554, 10605, 11052.6, 11053, 11102, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10605, 11265.1, and 11403(b), Welfare and Institutions Code; and ~~Nickols v. Saenz Court Order Case Number 310867~~; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 44-207 to read:

44-207 INCOME ELIGIBILITY

44-207

.1 (Continued)

.2 The following financial eligibility test shall be applied to both applicant and recipient cases.

.21 (Continued)

.22 Net Nonexempt Income

.221 (Continued)

(a) Gross income includes: 1) earnings by part-time student applicants; and 2) current child support payments collected by the county; ~~but does not include child support payments collected by the county for a child subject to MFG (see Section 44-314.6).~~

.23 - .25 (Continued)

Authority cited: Sections 10553, 10554, 11450, 11450.025, and 11453, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11157, 11255, 11265.1, 11265.2, 11265.3, 11280, 11322.63(b), 11322.64(f), 11450.025, 11450.5, 11450.12, 11450.13, and 11451.5, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(vii); 45 CFR 233.20(a)(2)(i) and (xiii); (a)(3)(ii)(F), (a)(3)(vi)(B), (a)(3)(xiv), and (a)(3)(xiv)(B); and Darces v. Woods (1984) 35 Cal. 3d 871; Petrin v. Carlson Court Order, Case No. 638381, May 12, 1993; Rutan v. McMahon, Case No. 612542-L (Alameda Superior Court) February 19, 1988; Letter from Department of Health and Human Services (DHSS), December 5, 1990; Johnson v. Carlson Stipulated Judgment; Ortega v. Anderson, Case No. 746632-0 (Alameda Superior Court) July 11, 1995; Federal Terms and Conditions for the California Assistance Payments Demonstration Project as approved by the United States Department of Health and Human Services on October 30, 1992; Federal Terms and Conditions for the California Work Pays Demonstration Project as approved by the United States Department of Health and Human Services on March 9, 1994; United States Department of Health and Human Services, Office of Family Assistance, Aid to Families with Dependent Children Action Transmittal No. ACF-AT-95-10 dated September 19, 1995; and Letters from the Department of Health and Human Services, Administration for Children and Families, dated February 29, 1996, March 11, 1996, and March 12, 1996.

Amend Section 44-314 to read:

~~44-314~~ **MAXIMUM FAMILY GRANT (MFG)** ~~44-314~~

- ~~.1~~ Definitions ~~The following definitions pertain only to Section 44-314.~~
- ~~.11~~ Break in Aid ~~For MFG purposes the following conditions will be considered a month in which the AU did not receive cash aid:~~
- ~~.111~~ ~~A month in which the AU is eligible for a zero basic grant (ZBG) as defined in Section 44-315.8; or~~
- ~~.112~~ ~~A month in which the reunification family does not receive a cash aid payment pursuant to Section 83-812.683.~~
- ~~.12~~ Law Enforcement Agency ~~Law enforcement agency includes federal, state, and local law enforcement agencies.~~
- ~~.13~~ Mental Health Professional ~~Mental health professional means a person who is licensed by the State of California to provide counseling services.~~
- ~~.14~~ MFG Child ~~MFG child means the child, or children in the case of a multiple birth, that is not included in the AU size for the purpose of determining the MAP.~~
- ~~.15~~ Received Aid ~~Received aid means received cash aid for himself/herself or on behalf of his/her eligible child(ren). This includes:~~
- ~~.151~~ ~~A sanctioned parent who has a protective payee.~~
- ~~.152~~ ~~A minor that receives aid as a child and who subsequently becomes a minor parent.~~
- ~~.2~~ MFG ~~When a child is born into an AU that has received aid for at least ten months immediately prior to the birth, the child shall not be included in the AU size for the purpose of determining the MAP.~~
- ~~.3~~ MFG Application ~~The MFG applies when:~~

- ~~.31 Notice~~ — ~~The AU has received written notice of the MFG at least ten months prior to the birth of the child, and~~
- ~~.32 No Break in Aid~~ — ~~The AU has not had a break in aid of at least two consecutive months during the ten months immediately prior to the month of birth of the child.~~
- ~~.4 Continue MFG~~ — ~~The MFG continues to apply until the AU has not received aid for at least 24 consecutive months.~~
- ~~.5 MFG Exemptions~~ — ~~MFG shall not apply when:~~
- ~~.51 Rape~~ — ~~The child was conceived as a result of an act of rape, as defined in Sections 261 and 262 of the Penal Code, and~~
- ~~.511~~ — ~~The rape has been reported to a law enforcement agency, medical or mental health professional or an organization that provides counseling to victims of rape prior to, or within three months after, the birth of the child.~~
- ~~(a)~~ — ~~The recipient shall provide written verification from one of the entities listed above, that the incident of rape was reported and the date that the report was made.~~
- ~~.52 Incest~~ — ~~The child was conceived as a result of incest, as defined in Section 285 of the Penal Code, and~~
- ~~.521~~ — ~~Paternity has been established, or~~
- ~~.522~~ — ~~The incest has been reported to a law enforcement agency, medical or mental health professional or an organization that provides counseling to victims of incest prior to, or within three months after, the birth of the child.~~
- ~~(a)~~ — ~~The recipient shall provide written verification from one of the entities listed above that the incident of incest was reported and the date the report was made.~~
- ~~.53 Contraceptive Failure~~ — ~~It is medically verified that the child was conceived as a result of the failure of:~~

- ~~.531~~ _____ ~~An intrauterine device, or~~
- ~~.532~~ _____ ~~Norplant, or~~
- ~~.533~~ _____ ~~The sterilization of either parent.~~
- ~~.54~~ ~~Unaided Caretaker Relative~~ _____ ~~The child was conceived while either parent was an unaided nonparent caretaker relative.~~
- ~~.55~~ ~~Not Living With Parent~~ _____ ~~The child is not living with either parent.~~
- ~~.56~~ ~~Teen Parent/Former Teen Parent~~ _____ ~~A teen parent/former teen parent, who has met the age requirements in Section 42-101 at the time the child was born, establishes his/her own AU. When this occurs, the MFG rule shall not apply to:~~
- ~~.561~~ _____ ~~Any existing child of the teen parent/former teen parent, or~~
- ~~.562~~ _____ ~~Any new child born to the teen parent/former teen parent during the first ten months after establishing his/her own AU.~~
- ~~.6~~ ~~MFG Child Eligibility~~ _____ ~~The MFG child is eligible for and a recipient of aid including special needs.~~
- ~~.61~~ ~~MBSAC~~ _____ ~~The MFG child is included in the AU size for the MBSAC.~~
- ~~.62~~ ~~Child Support~~ _____ ~~Any child support payments for the MFG child shall be given to the AU and exempt from consideration as income. For treatment as a resource, see MPP Section 42-211.2.~~
- ~~.621~~ _____ ~~Benefits from the Social Security Administration or other government programs that are based on an absent parent's disability or retirement and paid to, or on behalf of, the MFG child shall be considered child support for MFG purposes.~~

Authority cited: ~~Sections 10553 and 10554, Welfare and Institutions Code.~~

Reference: ~~Sections 11203, 11265.2, 11450.04(a), (b)(1), (2) and (3), (d)(1), (2) and (3), and (e), Welfare and Institutions Code; Sections 261, 262, and 285, Penal Code; Nickols v. Saenz, Case Number 310867, August 25, 2000; and Kehrer v. Saenz, Case Number 99CS02320, January 22, 2001.~~

Amend Section 44-316.31 to read:

**44-316 REPORTING CHANGES AFFECTING ELIGIBILITY AND
GRANT DETERMINATIONS AND COUNTY ACTIONS**

44-316

.1 - .2 (Continued)

(SAR)

.3 Mid-Period Actions

(SAR) (Continued)

(AR/CO) Mid-Period Actions

(AR/CO) (Continued)

(SAR).31 Recipient Mid-Period Voluntary Reports

(SAR)(Continued)

(SAR)The county shall take action on voluntary reports that increase cash aid or recipient requests to voluntary discontinue their aid. If the grant would decrease (for reasons other than a voluntary discontinuance of aid) or not change based on the voluntary report ~~(except as provided in Section 44-318.152(a)(SAR))~~, the county shall not take action to change the grant, but shall send a notice pursuant to Section 22-071.12. Recipients must provide all verifications within ten days of a voluntary report prior to county action.

(AR/CO) .31 Recipient Mid-Period Voluntary Reports

(AR/CO) (Continued)

(AR/CO) The county shall take action on voluntary reports that increase cash aid or recipient requests to voluntary discontinue their aid. If the grant would decrease (for reasons other than a voluntary discontinuance of aid) or not change based on the voluntary report ~~(except as provided in Section 44-318.152(a)(AR/CO))~~, the county shall not take action to change the grant, but shall send a notice pursuant to Section 22-071.12. Recipients must provide all verifications within ten days of a voluntary report prior to county action.

(SAR) .311 (Continued)

Authority cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code.

Reference: Section 10063, 11251.3, 11265, 11265.1, 11265.2, 11265.3, 11265.45, 11265.47, 11450.5, 11454, and 11454.2, Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12 (a)(1)(vii)].

Amend Section 44-318:

**44-318 BEGINNING DATE OF AID (BDA) FOR PERSONS
BEING ADDED TO THE AU**

44-318

.1 Beginning Date of Aid The BDA shall be:

.11 - .14 (Continued)

.15 Newborn Child ~~and MFG Child~~

(SAR).151 (Continued)

(AR/CO) .151 (Continued)

~~(SAR).152 Newborn MFG Child — When an MFG newborn child is added results in no change or a decrease in cash aid.~~

~~(SAR)(a) — No PSN/No Change — The first of the month following the report of the birth provided that all conditions of eligibility have been met and provided that the mother is not receiving a pregnancy special need payment and the grant will not decrease as a result of adding the newborn.~~

~~(SAR)(b) — PSN/Decrease — The first day of the next SAR Payment Period following the report of the birth and all verification has been provided, when the mother has been receiving a pregnancy special need payment or the grant would otherwise decrease as a result of adding the newborn.~~

~~(AR/CO) .152 Newborn MFG Child — When an MFG newborn child is added results in no change or a decrease in cash aid.~~

~~(AR/CO) (a) — No PSN/No Change — The first of the month following the report of the birth provided that all conditions of eligibility have been met.~~

~~(AR/CO) (b) — PSN/Decrease — The first of the month following the report of the birth provided that all conditions of eligibility have been met.~~

.16 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11056, 11265.1, 11265.2, 11265.3, 11265.47, and 11327.5(d), Welfare and Institutions Code; 45 CFR 233.10 and .20(a)(13); Federal Register, Vol. 57, No. 131; and SSA-AT-86-01; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 80-310(c) to read:

80-310 DEFINITIONS - FORMS

80-310

(a) - (b) (Continued)

(c) (1) - (4) (Continued)

(5) CW 2.1 (Q)

The "Support Questionnaire" (Rev. ~~7/04~~10/16) is used to collect information about the absent parent. This form replaces the CA 2.1 Q.

(6) - (13) (Continued)

(14) CW 2103

The "Reminder for Teens Turning 18 Years Old" (Rev. ~~2/13~~6/16) is used to inform recipient children who will be turning 18 within 60 days of the requirements for continued eligibility. This form replaces the QR 2103.

(15) - (16)(Continued)

(d) - (z) (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 206.10(a)(8); Sections 10553, 10950, 11054, 11265.1, 11265.2, 11265.3, 11450(b), 12300, 12300.2, 12304, 12304.5, and 14132.95, Welfare and Institutions Code; Judgment Re: Tyler v. Anderson, Sacramento Superior Court Case No. 376230, dated January 22, 1999; 8 USC Section 1631; and 1798.17, Civil Code.

Amend Section 82-518.23 to read:

82-518 CHILD AND SPOUSAL SUPPORT COLLECTIONS

82-518

.1 (Continued)

.2 Receipt of Direct Support
Payment

The county shall notify the local child support agency when a recipient has received a support payment directly from an absent parent and the recipient does not send the payment to the local child support agency, and shall treat the payment as follows:

.21 - .23 (Continued)

HANDBOOK BEGINS HERE

~~.231 ————— For treatment of child support income for an
MFG child, see Section 44-314.62.~~

HANDBOOK ENDS HERE

.3 - .4 (Continued)

Authority cited: Sections 10553, 10554, and 11457, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 302.31(a)(3); 45 CFR 302.32(b); and Sections 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; ~~and~~ Kehrer v. Saenz, Case Number 99CS02320, January 22, 2001.

Amend Section 82-812.687(f)(SAR) to read:

82-812 TEMPORARY ABSENCE

82-812

.1 - .5(Continued)

.6 Exceptions to One Full Calendar
Month Time Limitation

Exceptions include:

.61 - .66 (Continued)

.67

Children Receiving Out-of-Home Care

.671- .676 (Continued)

.677

The following are eligibility and reporting
requirements that will apply to the family
reunification parent.

(SAR) (a) - (e) (Continued)

(f) ~~For Maximum Family Grant purposes and
pursuant to Section 44-314.2, a month in which
children are temporarily absent from the home
shall be considered a month in which the AU
did not receive aid.~~

.678 (Continued)

.7 (Continued)

Authority cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11203, 11265.1(c), 11265.2(d), 11265.3(h), 11265.45,
11265.45(b), 11265.47(c)(2), 11269, 11323.4, 11327.5(d), and 11454,
Welfare and Institutions Code; and 42 USC 608(a)(10).